

House Study Bill 691 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

A BILL FOR

- 1 An Act establishing a high performance certification program
- 2 applicable to certain public buildings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **473B.1 High performance public**
2 **building certification — program established — legislative**
3 **intent.**

4 The intent of the general assembly is to promote
5 effective energy and environmental standards for the design,
6 construction, renovation, and maintenance of public buildings.
7 These standards shall improve the capacity of the state to
8 operate high performance buildings and thereby increasing
9 energy independence, increasing demand for environmentally
10 preferable building materials, finishes, and furnishings,
11 reducing waste generation and manage waste through recycling
12 and diversion from landfill disposal, and establishing life
13 cycle cost analysis as the appropriate and most efficient
14 analysis to determine the optimal performance level of a
15 building project.

16 Sec. 2. NEW SECTION. **473B.2 Definitions.**

17 As used in this section, unless the context otherwise
18 requires:

19 1. *"Department"* means the department of administrative
20 services.

21 2. *"High performance certification"* means a public building
22 design, construction, and renovation standard that is certified
23 by an independent third-party organization pursuant to section
24 473B.3 as having been achieved.

25 3. *"Public building"* means a facility that meets all of the
26 following conditions:

27 *a.* Is constructed or renovated in whole or in part with
28 state funds or with funds guaranteed or insured by a state
29 agency, with the state or guaranteed funding constituting at
30 least fifty percent of the project cost.

31 *b.* Contains ten thousand or more square feet.

32 *c.* Includes a heating, ventilation, or air conditioning
33 system.

34 *d.* Has not entered the design phase prior to July 1, 2010.

35 4. *"State agency"* means an agency, department, authority,

1 board, commission, council, court, office, bureau, institution,
2 unit, or division of the executive or judicial branches of
3 state government, whether elected or appointed, including
4 institutions under the control of the state board of regents.

5 5. "*Substantial renovation*" means any renovation of a
6 public building the cost of which exceeds fifty percent of the
7 replacement value of the facility.

8 Sec. 3. NEW SECTION. 473B.3 Program established.

9 1. The department shall adopt rules establishing a high
10 performance certification program. The objectives of the
11 program shall include the following:

12 a. Reducing operating costs of public buildings by
13 decreasing the consumption of energy, water, and other
14 resources.

15 b. Recovering the increased initial capital costs
16 attributable to compliance with the program by reducing
17 long-term energy, maintenance, and operating expenses.

18 c. Improving the indoor environmental quality of public
19 buildings for a healthier work environment.

20 2. A state agency designing, constructing, or controlling
21 the substantial renovation of a public building on or after
22 July 1, 2010, shall be required to submit design plans and
23 specifications to the department for approval before contracts
24 for the construction or substantial renovation are let. A
25 proposal shall not be approved unless high performance
26 certification is achieved, subject to the provisions of
27 subsection 3. The department shall adopt rules establishing a
28 certification process by an independent third party that the
29 design, construction, or substantial renovation, based upon a
30 life cycle cost analysis conducted pursuant to chapter 470,
31 meets the minimum standards of the United States green building
32 council's leadership in energy and environmental design
33 rating system (LEED), the green building initiative's green
34 globes rating system, or standards developed by an alternative
35 third-party organization designated by the department.

1 3. Notwithstanding subsection 2, the department may waive
2 the high performance certification requirement if a state
3 agency submits an estimate indicating that the increased
4 initial costs of achieving certification are projected to
5 exceed five percent of the total design and construction or
6 substantial renovation costs, and the department determines
7 that the public building is not anticipated to recoup these
8 costs through decreased operational and maintenance expenses
9 within five years. In the event a waiver is granted, an
10 accredited construction, engineering, or architectural
11 professional associated with the proposed public building
12 project shall submit to the department a written declaration
13 that to the extent possible the construction or substantial
14 renovation shall be executed in a manner which is consistent
15 with the program's high performance certification standards.
16 A waiver pursuant to this subsection shall not be granted if
17 the department determines that the public building can be
18 anticipated to recoup the increased costs within five years.

19 4. A public building of less than ten thousand square feet,
20 nonsubstantial renovations of public buildings, and public
21 building maintenance programs shall, to the extent possible,
22 conform to high performance certification standards.

23 5. When awarding contracts for the design, construction, or
24 substantial renovation of a public building, preference shall
25 be given to companies employing at least one LEED-accredited
26 individual. The department shall identify and seek to have
27 public buildings receiving high performance certification
28 designated as an energy star building pursuant to the energy
29 star program developed and jointly administered by the United
30 States environmental agency and the United States department
31 of energy.

32 6. The department shall develop and implement a process
33 to monitor and evaluate the program, and shall, by January 1
34 annually, submit a report regarding compliance with program
35 guidelines, indicating the number of public buildings receiving

1 high performance certification, and describing any resulting
2 energy and environmental benefits observed.

3 EXPLANATION

4 This bill establishes a high performance certification
5 program administered by the department of administrative
6 services and applicable to public buildings.

7 The bill states that the intent of the general assembly is to
8 promote effective energy and environmental standards for the
9 design, construction, renovation, and maintenance of public
10 buildings. The bill further states that these standards will
11 improve the capacity of the state to operate high performance
12 buildings to increase energy independence, increase demand for
13 environmentally preferable building materials, finishes, and
14 furnishings, reduce waste generation and manage waste through
15 recycling and diversion from landfill disposal, and establish
16 life cycle cost analysis as the appropriate and most efficient
17 analysis to determine the optimal performance level of a
18 building project.

19 The bill provides that the department shall adopt rules
20 establishing the program, with objectives which include
21 reducing operating costs of public buildings by decreasing the
22 consumption of energy, water, and other resources; recovering
23 the increased initial capital costs attributable to compliance
24 with the program over time by reducing long-term energy,
25 maintenance, and operating expenses; and improving the indoor
26 environmental quality of public buildings for a healthier work
27 environment. The bill defines a public building as a facility
28 that is constructed or renovated in whole or in part with state
29 funds or with funds guaranteed or insured by a state agency,
30 with state or guaranteed funds constituting at least 50 percent
31 of the project cost; that contains 10,000 or more square feet;
32 includes a heating, ventilation, or air conditioning system;
33 and has not entered the design phase prior to July 1, 2010.

34 The bill provides that a state agency, as defined in the
35 bill, which is designing, constructing, or controlling the

1 substantial renovation of a public building on or after
2 July 1, 2010, shall be required to submit design plans and
3 specifications to the department for approval before contracts
4 for the construction or substantial renovation are let. The
5 bill defines "substantial renovation" to mean any renovation
6 of a public building the cost of which exceeds 50 percent
7 of the replacement value of the facility. The bill provides
8 that a proposal shall not be approved unless high performance
9 certification is achieved pursuant to a process conducted
10 by an independent third party certifying that the design,
11 construction, or substantial renovation meets the minimum
12 standards of the United States green building council's
13 leadership in energy and environmental design rating system
14 (LEED), the green building initiative's green globes rating
15 system, or standards developed by an alternative third-party
16 organization designated by the department.

17 The bill provides for a waiver from these requirements if a
18 state agency submits an estimate indicating that the increased
19 initial costs of achieving certification are projected to
20 exceed 5 percent of the total design and construction or
21 substantial renovation costs, and the department determines
22 that the public building is not anticipated to recoup these
23 costs through decreased operational and maintenance expenses
24 within five years. In this event, the bill requires an
25 accredited construction, engineering, or architectural
26 professional associated with the proposed public building
27 project to submit a written declaration that to the extent
28 possible the construction or substantial renovation shall be
29 executed in a manner which is consistent with the program's
30 high performance certification standards. The bill states that
31 a waiver shall not be granted if the department determines that
32 the public building can be anticipated to recoup the costs
33 within a five-year period.

34 The bill provides that public buildings of less than 10,000
35 square feet, nonsubstantial public building renovations, and

1 public building maintenance programs shall, to the extent
2 possible, conform to high performance certification standards.

3 Additionally, the bill states that when awarding contracts
4 for the design, construction, or substantial renovation of
5 a public building, preference shall be given to companies
6 employing at least one LEED-accredited individual. The bill
7 directs the department to identify and seek to have public
8 buildings receiving high performance certification designated
9 as an energy star building pursuant to the energy star program
10 developed and jointly administered by the United States
11 environmental agency and the United States department of
12 energy.

13 The bill requires the department to develop and implement
14 a process to monitor and evaluate the program and to submit a
15 report regarding compliance with program guidelines, the number
16 of public buildings receiving high performance certification,
17 and resulting energy and environmental benefits observed, by
18 January 1 annually.